

# 特許協力条約

発信人 日本国特許庁（国際調査機関）

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PCT  
 国際調査機関の見解書  
 (法施行規則第40条の2)  
 [PCT規則43の2.1]  
**21.6.2005**

発送日  
 (日.月.年)

|   |                             |                           |
|---|-----------------------------|---------------------------|
| 出願人又は代理人<br>の書類記号 PC-9546   | 今後の手続きについては、下記2を参照すること。     |                           |
| 国際出願番号<br>PCT/JP2005/006887   | 国際出願日<br>(日.月.年) 30.03.2005 | 優先日<br>(日.月.年) 31.03.2004 |
| 国際特許分類 (IPC) IntCl. <sup>7</sup> C07D401/04, A01N43/40, 43/46, C07D405/14, 413/14, 451/06 |                             |                           |
| 出願人 (氏名又は名称)<br>日本曹達株式会社  |                             |                           |

- この見解書は次の内容を含む。
  - ☒ 第I欄 見解の基礎
  - ☐ 第II欄 優先権
  - ☐ 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不成
  - ☐ 第IV欄 発明の単一性の欠如
  - ☒ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
  - ☐ 第VI欄 ある種の引用文献
  - ☐ 第VII欄 国際出願の不備
  - ☐ 第VIII欄 国際出願に対する意見
- 今後の手続き  
 国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。  
 この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。  
 さらなる選択肢は、様式PCT/ISA/220を参照すること。
- さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

|   |   |         |
|---|---|---------|
| 見解書を作成した日<br>27.05.2005   |   |         |
| 名称及びあて先<br>日本国特許庁 (ISA/JP)<br>郵便番号100-8915<br>東京都千代田区霞が関三丁目4番3号 | 特許庁審査官 (権限のある職員)<br>安川 聡<br>電話番号 03-3581-1101 内線 3452 | 4C 3039 |

様式PCT/ISA/237 (表紙) (2004年1月)

## 第 I 欄 見解の基礎

1. この見解書は、下記に示す場合を除くほか、国際出願の言語を基礎として作成された。

☐ この見解書は、\_\_\_\_\_ 語による翻訳文を基礎として作成した。  
それは国際調査のために提出された PCT 規則 12.3 及び 23.1(b) にいう翻訳文の言語である。

2. この国際出願で開示されかつ請求の範囲に係る発明に不可欠なヌクレオチド又はアミノ酸配列に関して、  
以下に基づき見解書を作成した。

a. タイプ ☐ 配列表

☐ 配列表に関連するテーブル

b. フォーマット ☐ 書面

☐ コンピュータ読み取り可能な形式

c. 提出時期 ☐ 出願時の国際出願に含まれる

☐ この国際出願と共にコンピュータ読み取り可能な形式により提出された

☐ 出願後に、調査のために、この国際調査機関に提出された

3. ☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

4. 補足意見：

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、  
それを裏付ける文献及び説明

## 1. 見解

|                |       |     |   |
|----------------|-------|-----|---|
| 新規性 (N)        | 請求の範囲 | 4-6 | 有 |
|                | 請求の範囲 | 1-3 | 無 |
| 進歩性 (IS)       | 請求の範囲 | 4-6 | 有 |
|                | 請求の範囲 | 1-3 | 無 |
| 産業上の利用可能性 (IA) | 請求の範囲 | 1-6 | 有 |
|                | 請求の範囲 |     | 無 |

## 2. 文献及び説明

文献1 : WO 2002/89803 A1 (三共株式会社) 2002.11.14  
 文献2 : WO 2002/81448 A1 (三共株式会社) 2002.10.17  
 文献3 : JP 2003-137865 A (武田薬品工業株式会社) 2003.05.14  
 文献4 : JP 2000-514041 A (Dr. Reddy's Research Foundation) 2000.10.24  
 文献5 : JP 06-211839 A (STERLING WINTHROP INCORPORATED) 1994.08.02

国際調査報告において引用された上記文献1-5には、本願請求の範囲1式[I]に包含される化合物が記載されている(文献1, 2参考例48, 49、文献3実施例192、文献4合成9, 25、文献5実施例No.2参照)。

## ○請求の範囲1

本願上記請求の範囲に係る発明は、上記文献1-5に記載されており、新規性、進歩性を有さない。

## ○請求の範囲2

本願上記請求の範囲に係る発明は、上記文献5に記載されており、新規性、進歩性を有さない。

## ○請求の範囲3

本願上記請求の範囲に係る発明は、上記文献1, 2に記載されており、新規性、進歩性を有さない。

## ○請求の範囲4-6

本願上記請求の範囲に係る発明は、上記文献1-5に記載も示唆もされておらず、文献1-5に対して新規性、進歩性を有する。

From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

To:

SHIGA, Masatake  
2-3-1, Yaesu  
Chuo-ku, Tokyo 104-8453  
JAPON

(PCT Administrative Instructions, Section 411)

|   |  |
|---|--|
| Date of mailing (day/month/year)<br>19 August 2005 (19.08.2005) | <b>IMPORTANT NOTIFICATION</b>  |
| Applicant's or agent's file reference<br>PC-9546                |  |
| International application No.<br>PCT/JP2005/006887              |  |
| International publication date (day/month/year)                 |  |
|   | International filing date (day/month/year)<br>30 March 2005 (30.03.2005) |
|   | Priority date (day/month/year)<br>31 March 2004 (31.03.2004)             |
| Applicant<br>NIPPON SODA CO., LTD. et al                        |  |

1. By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. (If applicable) The letters "NR" appearing in the right-hand column denote a priority document which, on the date of mailing of this Form, had not yet been received by the International Bureau under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, **the attention of the applicant is directed to Rule 17.1(c)** which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
3. (If applicable) An asterisk (\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b) (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as the priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

| Priority date              | Priority application No. | Country or regional Office<br>or PCT receiving Office | Date of receipt<br>of priority document |
|----------------------------|--------------------------|---|---|
| 31 March 2004 (31.03.2004) | 2004-106668              | JP  | 16 June 2005 (16.06.2005)               |

The International Bureau of WIPO  
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Form PCT/IB/304 (January 2004)

CJX4M46J

From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

To:

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|-------------------------------|---------------------------------|---|---|
| 31 March 2004 (31.03.2004)    | 2004-106668                     | JP  | 16 June 2005 (16.06.2005)                       |
| 24 December 2004 (24.12.2004) | 2004-374007                     | JP  | 16 June 2005 (16.06.2005)                       |

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